

5039. Adulteration and misbranding of "Heroin Hydrochl," "Cocaine Hydrochlor," and "Heroin and Terpin Hydrate No. 2." U. S. * * * v. Diamond Pharmacal Co., a corporation. Plea of guilty. Fine, \$75. (F. & D. No. 6981. I. S. Nos. 1236-1, 1237-1, 1238-1, 1256-1, 1257-1, 1258-1.)

On July 10, 1916, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Diamond Pharmacal Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 28, 1915, and December 2, 1915, from the State of Pennsylvania into the State of New Jersey, of quantities of "Heroin Hydrochl," "Cocaine Hydrochlor," and "Heroin and Terpin Hydrate No. 2," which were adulterated and misbranded. The "Heroin Hydrochl" was labeled in part: "* * * Heroin Hydrochl. 1-50 Grain * * *."

Analysis of a sample from the shipment on October 28, 1915, by the Bureau of Chemistry of this department showed the following result:

Heroin hydrochlorid (grain per tablet)----- 0.011

Analysis of a sample from the shipment on December 2, 1915, showed the following result:

Heroin hydrochlorid (grain per tablet)----- 0.01

Adulteration of the article in both shipments was alleged in the information for the reason that it was sold as and for tablets each containing one-fiftieth grain of heroin hydrochlorid, and its strength and purity fell below the professed standard and quality under which it was sold in that each tablet did not contain one-fiftieth grain of heroin hydrochlorid.

Misbranding was alleged for the reason that the statement regarding the article and the ingredients and substances contained therein, appearing on the label—to wit, "Heroin Hydrochl. 1-50 Grain"—was false and misleading in that it indicated to purchasers thereof that each of said tablets contained one-fiftieth grain of heroin hydrochlorid; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that each of the said tablets contained one-fiftieth grain of heroin hydrochlorid, when, in truth and in fact, each did not, but contained a less amount thereof.

The "Cocaine Hydrochlor" was labeled in part: "* * * Cocaine Hydrochl. 1-8 Grain * * *."

Analysis of a sample from the shipment on October 28, 1915, by said Bureau of Chemistry showed the following result:

Cocaine hydrochlorid (grain per tablet)----- 0.048

Analysis of a sample from the shipment on December 2, 1915, showed the following result:

Cocaine hydrochlorid (grain per tablet)----- 0.05

Adulteration of the article in both shipments was alleged in the information for the reason that it was sold as and for tablets each containing one-eighth grain of cocaine hydrochlorid, and its strength and purity fell below the professed standard and quality under which it was sold in that each of the said tablets did not contain one-eighth grain of cocaine hydrochlorid.

Misbranding was alleged for the reason that the statement regarding the article and the ingredients and substances contained therein, appearing on the label—to wit, "Cocaine Hydrochl. $\frac{1}{8}$ Grain"—was false and misleading in that it indicated to purchasers thereof that each of said tablets contained one-eighth grain of cocaine hydrochlorid; and for the further reason that it was

labeled as aforesaid, so as to deceive and mislead purchasers thereof into the belief that each of said tablets contained $\frac{1}{8}$ grain of cocaine hydrochlorid, when, in truth and in fact, each did not, but contained a less amount thereof.

The "Heroin and Terpin Hydrate No. 2" was labeled in part: "* * * Heroin and Terpin Hydrate No. 2 Heroin $\frac{1}{4}$ grain. Terpin Hydrate $2\frac{1}{2}$ grain. * * *."

Analysis of a sample from the shipment on October 28, 1915, by said Bureau of Chemistry showed the following results:

Heroin (grain per tablet)-----	0.016
Terpin hydrate (grains per tablet)-----	1.43

Analysis of a sample from the shipment of December 2, 1915, showed the following results:

Heroin hydrochlorid (grain per tablet)-----	0.012
Terpin hydrate (grains per tablet)-----	1.55

Adulteration of the article in both shipments was alleged in the information for the reason that it was sold as and for tablets each containing one twenty-fourth grain of heroin and $2\frac{1}{2}$ grains of terpin hydrate, and its strength and purity fell below the professed standard and quality under which it was sold in that each of said tablets did not contain one twenty-fourth grain of heroin and $2\frac{1}{2}$ grains of terpin hydrate.

Misbranding was alleged for the reason that the following statement regarding the article and the ingredients and substances contained therein, appearing on the label—to wit, "Heroin $\frac{1}{4}$ Gr. Terpin Hydrate $2\frac{1}{2}$ Gr."—was false and misleading in that it indicated to purchasers thereof that each of said tablets contained one twenty-fourth grain of heroin and $2\frac{1}{2}$ grains of terpin hydrate; for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that each of said tablets contained one twenty-fourth grain of heroin and $2\frac{1}{2}$ grains of terpin hydrate, when, in truth and in fact, each did not, but contained less amounts thereof.

On September 18, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$75.

CARL VROOMAN, *Acting Secretary of Agriculture.*